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ATTORNEYS FOR THE TRUSTEE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:	§	
	§	
JEROME ALBERT GRISAFFI,	§	CASE NO. 19-33855-sgj7
	§	
DEBTOR.	§	

OBJECTION TO PROOF OF CLAIM NO. 8-2
FILED BY ROCKY MOUNTAIN HIGH BRANDS, INC.

NOTICE

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT EARLE CABELL FEDERAL BUILDING, 1100 COMMERCE ST., DALLAS, TX 75242 BEFORE THE CLOSE OF BUSINESS ON JULY 8, 2024, WHICH IS AT LEAST 30 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE STACEY G. C. JERNIGAN, CHIEF UNITED STATES BANKRUPTCY JUDGE:

Areya Holder Aurzada (the “**Trustee**”), in her capacity as the chapter 7 trustee for Jerome Albert Grisaffi (the “**Debtor**”), files this *Objection to Proof of Claim No. 8-2 Filed by Rocky Mountain High Brands, Inc.* and would respectfully show as follows:

1. On November 19, 2019, the Debtor filed a voluntary petition in this Court for relief under chapter 11 of the United States Bankruptcy Code. On April 16, 2020, this Court entered an order converting the case to chapter 7. Diane G. Reed was initially appointed as trustee, but resigned on February 27, 2024. Areya Holder Aurzada was then appointed as the chapter 7 trustee, and she continues to serve in that capacity.

2. The Court has jurisdiction over this matter under 28 U.S.C. §§ 1334 and 157. This matter constitutes a “core” proceeding within the meaning of 28 U.S.C. § 157(b)(2).

3. In connection with performing her duties, the Trustee has examined the proofs of claim filed in the case.

4. Rocky Mountain High Brands, Inc. (the “**Claimant**”) filed a proof of claim asserting secured claim in the amount of \$3,713,836.00, which was docketed as Claim No. 8-2 on the Court’s ECF claims register for this case (the “**Subject Claim**”). The only grounds asserted for secured status are abstracts of judgment filed several counties in Texas.

5. The Trustee objects to the Subject Claim on the ground that no real property was administered in this bankruptcy case, so there are no proceeds to which any abstract of judgment lien could attach. Therefore, the Subject Claim should be allowed only as a non-priority unsecured claim in the amount of \$3,713,836.00 against the Debtor’s bankruptcy estate; *provided*, however, that nothing herein will affect the Claimant’s right to enforce any lien it may hold by virtue of the abstracts of judgment attached to the Subject Claim.

6. The Trustee has not evaluated the amount of the Subject Claim because she does not expect there to be enough funds available in this bankruptcy estate to make any distribution toward payment of allowed non-priority unsecured claims. The Trustee hereby reserves all rights

to assert further objections to the amount of the Subject Claim in the future if she determines that distributions to allowed non-priority unsecured claims are likely.

WHEREFORE, PREMISES CONSIDERED Trustee requests that the Court enter an order (a) disallowing the Subject Claim against the Debtor's bankruptcy estate and (b) granting the Trustee such other and further relief, at law or in equity, to which he may be justly entitled.

Respectfully submitted,

QUILLING, SELANDER, LOWNDS,
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(214) 871-2100 (Telephone)
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By: /s/ Kenneth A. Hill

Kenneth A. Hill

State Bar No. 09646950

ATTORNEYS FOR THE TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with this Court's Order Establishing Procedures to Limit Notice, a true and correct copy of the foregoing document was served concurrently with the filing of the same (a) by ECF upon all persons who have filed ECF appearances in this case, including counsel of record for the Debtor, the Trustee, the Office of the United States Trustee, and all persons and entities requesting notice under Fed. R. Civ. P. 2002(m) and (b) by first class mail, postage prepaid, on the following:

Rocky Mountain High Brands, Inc.
c/o William L. Siegel
Cowles & Thompson, P.C.
901 Main Street, Suite 3900
Dallas, TX 75202

/s/ Kenneth A. Hill

Kenneth A. Hill

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:

JEROME ALBERT GRISAFFI,

DEBTOR.

§
§
§
§
§

CASE NO. 19-33855-sgj7

**ORDER SUSTAINING TRUSTEE’S OBJECTION TO PROOF OF
CLAIM NO. 8-2 FILED BY ROCKY MOUNTAIN HIGH BRANDS, INC.**

On this date, the Court considered the *Objection to Proof of Claim No. 8-2 Filed by Rocky Mountain High Brands, Inc.* (Dkt. No. ___, the “**Objection**”) filed by Areya Holder Aurzada, in her capacity as the chapter 7 trustee for Jerome Albert Grisaffi (the “**Debtor**”). After reviewing the record and noting that the deadline to file responses to the Objection has passed with no response having been filed, the Court finds that notice of the Objection was appropriate under the circumstances and that the Objection should be sustained.

It is therefore ORDERED that the proof of claim filed by Rocky Mountain High Brands, Inc., which was docketed as Claim No. 8-2 on the Court’s ECF claims register for this case (the “**Subject Claim**”), shall be and hereby is allowed only as a non-priority unsecured claim in the amount of \$3,713,836.00 against the Debtor’s bankruptcy estate; *provided*, however, that nothing

in this Order will affect Rocky Mountain High Brands, Inc.'s right to enforce any lien it may hold by virtue of the abstracts of judgment attached to the Subject Claim; *provided, further*, however, that nothing in this Order shall affect the Trustee's right to assert an objection to the amount of the Subject Claim in the future.

End of Order

Submitted by:
Kenneth A. Hill
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ATTORNEYS FOR THE TRUSTEE